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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1690th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 July 1998, at 3 p.m.

Chairperson: Ms. CHANET

later: Ms. MEDINA QUIROGA

later: Ms. CHANET

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GE.98-17194 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of the United Republic of Tanzania (continued) (CCPR/C/83/Add.2; CCPR/C/63/Q/URT/1/Rev.1)

1. At the invitation of the Chairperson, the Tanzanian delegation resumed their places at the Committee table.

2. Mr. MALAMBUGI (United Republic of Tanzania), replying to the questions posed by the Committee members at the previous meeting, began by pointing out that the definition of refugees applied by his country was the one used by the Organization of African Unity. If that had not been the case, then most of the Rwandan and Burundian refugees would not have been authorized to enter Tanzanian territory. The refugee eligibility committee was composed of representatives of the Office of the President, the Office of the Prime Minister, the Ministry of Foreign Affairs, the Ministry of Justice and the Office of the United Nations High Commissioner for Refugees (UNHCR). As there had been a massive influx of refugees, there had been no individual screening. Unfortunately, that had sometimes led to problems, as in the case of Rwandan refugees; members of the former army and militias had passed themselves off as refugees, and had caused serious problems in the country and throughout the region. All assisted refugees lived in camps set up by UNHCR. Those who were not assisted by UNHCR lived in the country's villages together with the people of Tanzania.

3. The birth registry system in the United Republic of Tanzania was only just beginning to develop. Of the country's 96 districts, only 8 had an official system for registering births. In the others, registration took place at hospital. In the case of refugees, birth and registration in the United Republic of Tanzania did not automatically lead to entitlement to Tanzanian citizenship.

4. The refugee camps were entirely run and managed by UNHCR, with the host country simply naming a commandant for each camp. Conditions at the camps were undeniably quite poor. Those refugees who went directly to Dar es Salaam and whose cases were considered under the individual screening procedure were generally much better off. Violence was a constant problem at the camps. The Tanzanian authorities did everything in their power to ensure security, but in the light of the means available to the country, the material and human resources it could devote to that task were unfortunately insufficient. Generally, Hutu and Tutsi refugees were placed in separate camps, with the exception of mixed couples, for whom a special camp had been established.

5. Serious criticism had been levelled against the United Republic of Tanzania for the expulsion of 136 refugees to Burundi in 1997. The number of persons killed during that incident was not as high as certain sources had claimed. Furthermore, those expelled had been armed combatants from various political factions which had been responsible for very serious clashes in the camps. The Burundian authorities to whom the deportees had been handed over had promised to resettle them in safe areas. Consequently, the international community should firstly call on them for an explanation.

6. Concerning preventive detention, there had been no new developments since the publication of the second periodic report. In any case, no one could be detained for more than 15 days without being informed of the reasons for the detention. An advisory committee consisting of a chairman and two members named by the President and another two members appointed by the Chief Justice considered the case of each detainee and made recommendations to the President, who could then determine whether the person was to be released or kept in preventive detention. Furthermore, any person subject to a detention or deportation measure could challenge that measure before the courts. In the United Republic of Tanzania, the word "deportation" included the internal exile of offenders whom the judicial authorities wanted to place in an environment where they would no longer have the opportunity to commit new offences. The person was left free, but was not authorized to return to his or her region of origin without authorization. Such measures were taken under the law on the resettlement of offenders, which was undergoing review.

7. Various questions had been raised on the subject of extrajudicial executions. Several persons had indeed been killed during the riots in Mwembechai when the police opened fire using live bullets. The matter was before the courts. Concerning the killing by the police of the former Director-General of Tanzanian Intelligence, that incident apparently occurred because he had been mistaken for a car thief. The persons involved had been charged with murder, and two of them had been sentenced to death. The police itself carried out inquiries into extrajudicial executions committed by police officers. The United Republic of Tanzania had no internal police body to monitor the police force.

8. As for the allegations that detainees were tortured or beaten, the police force lacked the training and facilities required for its investigations, and interrogations sometimes degenerated. Because of the camaraderie in the police force, it was not always easy to find those responsible. In any event, the authorities were conscious of the problem and did not condone such acts. Evidence obtained as a result of illegal searches could not be used in court. With regard to judicial review of detention, since the 1970s many people had obtained release after contesting their detention before a court.

9. For the time being, he had no precise information about women falling pregnant while in prison. In principle, female prisoners were separated from male prisoners and placed under the supervision of female warders. He did not know whether the government authorities had taken any more specific measures for the protection of women detainees.

10. The judges of the High Court and the Court of Appeal were appointed by the President on the recommendation of the Chief Justice and the Judicial Services Commission which also appointed judges in lower courts. Judges were dismissed by the President, whose decision was, however, subject to the approval of a commission presided over by a judge from a Commonwealth country. There was a human rights component in the basic training for members of the judiciary, police officers and prison staff. On the other hand, no continuous training was provided, with the exception of that given to higher-level staff through international workshops and seminars held in the country.

11. The United Republic of Tanzania had extradition agreements with Kenya, Uganda, Malawi, Zambia and Rwanda. All extradition requests were considered by the courts, and there was in-built protection against arbitrary extradition, especially in cases where the person could be subjected to torture in the requesting country. Indeed, certain crimes could, in some cases, not be subject to extradition. Extradition remained an exception in Tanzania.

12. No precise figures were available concerning the proportion of women judges. There were some women judges in the subordinate courts but, of the 15 judges of the High Court, only three were women and there were no women judges in the Court of Appeal. That was the unfortunate reality, which could be explained by the low level of education of women, a problem which had already been noted in the previous report.

13. With regard to the 1995 Citizenship Act, he had not received any information from the Tanzanian authorities and did not know whether the provisions which discriminated against women had been removed. He was also unable to provide any further information on clandestine abortions. He had noted the comments made on that subject and would bring the matter to the attention of the Government.

14. There was indeed a Law of Marriage Act, adopted in 1971, under which property acquired during a marriage was the joint property of the two spouses. Unfortunately, it was often not enough simply to pass legislation. Persisting local customs had to be taken into consideration, as they offered strong resistance to laws adopted at the central level. Furthermore, the legislation itself could also be improved, as there remained numerous relics of the past. A commission was currently engaged in a review of the country's laws, but its agenda was very full. One of its main tasks was to balance customary law with written law. For example, the commission had drawn up several proposals addressing the law of inheritance. However, the Muslim community had objected that the proposals submitted for its consideration were contrary to the precepts of Islam. The solution to such problems would depend on how customs evolved, and education would have a key role to play in that regard.

15. Concerning measures to ensure that the national legislation took into consideration the provisions of the Covenant, the Nyalali Commission had not drawn up any specific recommendations, but had made a proposal which, if accepted, would bring national law into line with international standards. The Commission had suggested including a Bill of Rights in the Constitution. To that end, the Government had recently published a White Paper containing a proposed revision of the Constitution, which had to be passed by the Tanzanian people. It was only once the citizens had expressed their views and the Commission had finished its work that it would be known which measures were to be taken.

16. His delegation could provide no further information on domestic violence and marital rape, as it had not yet seen the law recently passed on the subject. Regarding forced labour, the Human Resources Deployment Act of 1983 (paras. 67, 68 and 69 of the report) had been criticized by the International Labour Organization (ILO) for instituting forced labour. In fact, the Act's objective was to make sure that people had work; the main purpose was to avoid

the presence in the cities of persons who had no work with which to provide for themselves, and to mobilize the workforce and employ it in productive activities. Tanzania had much uncultivated land which could permit those who worked it to produce enough food for their own sustenance, and even for sale. Following the criticism made by ILO, the Government had decided to reconsider the Act with a view to amending or repealing it. He hoped that his country would be able to report some positive developments when the Committee came to examine its fourth periodic report.

17. Concerning the BAWATA association, that non-governmental organization had been struck from the list of registered associations because it had violated the terms of its registration. BAWATA's leaders had, however, challenged the law under which it had been de-registered and the court had decided that, pending the final determination of the suit, BAWATA should be authorized to continue its activities.

18. Comments had been made during the discussion about stagnation and a lack of progress in the enjoyment of human rights in the United Republic of Tanzania. His delegation wished to point out, however, that a visitor to the country would not gain that impression from speaking to the man in the street. The country had undeniably made considerable progress with regard to democracy and the enjoyment of human rights, a fact welcomed by all Tanzanians, though they looked forward to more progress in the future.

19. Performing female genital mutilation was now an offence punishable under criminal law. However, such traditional practices, even if outlawed, were still carried on clandestinely, as were abortions.

20. The question had been raised as to why Tanzania had not accepted the idea of establishing a federal system, as proposed by the Nyalali Commission. In that regard, it should first of all be borne in mind that dissenting opinions had been expressed on that question by some members of the Commission, who considered that federalism could weaken the United Republic of Tanzania and even lead to its disintegration. Furthermore, a federal system would be very costly, as it would require three bureaucracies in Tanzania, which already had two administrations. The country was devoting 40 per cent of its budget to paying the salaries of public servants and another 40 per cent to reimbursing the foreign debt; that left 20 per cent for everything else: providing health care, maintaining the army, building schools and prisons, and so on. His delegation was therefore surprised to hear members of the Committee say that financial constraints were no justification for any failure to respect human rights; surely they were a reality which could not be ignored.

21. With regard to the right of appeal, it should be pointed out that murder cases were tried in the first instance by the High Court, and appeals against conviction were made to the Court of Appeal. After determination by the Court of Appeal, a final appeal for presidential clemency could be entered. The report had perhaps not been entirely clear on that point (para. 50).

22. Since the institution of multipartism, there had been no discrimination based on political opinion in the United Republic of Tanzania. In the past 10 years, much had changed in the country with regard to freedom of

the press and the freedom to establish radio stations and carry out political activities. Consequently, there did not appear to be any need for affirmative action to overcome discrimination.

23. With regard to the treatment of detainees, a distinction had to be made between persons under arrest, who were held pursuant to the Preventive Detention Act, and those detained under the Criminal Procedure Code. Convicted persons had rights of visitation and the right to receive mail once a month. However, those rights did not apply to persons detained under the Preventive Detention Act, which set very strict rules; the person could be held in solitary confinement, which meant that he received no news from relatives, the latter would not be informed of his detention.

24. Ms. Medina Quiroga took the Chair.

25. Ms. EVATT, addressing the questions of clandestine abortions and female genital mutilation, emphasized that an important distinction had to be drawn between the two. Clandestine abortion was risky for the health and life of the woman, and abortions were performed clandestinely because of the strict prohibition against the practice in Tanzania. It represented a major cause of maternal mortality. Female genital mutilation was in some cases performed clandestinely, as the delegation had said, and had been the subject of legislation. It was a traditional practice which had existed for many years and which the Tanzanian Government, as many other governments in the region, had committed itself to eradicate, for it too represented a risk to the lives of girls and young women, and exposed them to other dangers. In the case in question, the Government had the obligation not only to pass legislation to eliminate the practice, but also to undertake comprehensive campaigns throughout the country to ensure the protection of its young people.

26. Mr. BHAGWATI, noting that the delegation had indicated that the police sometimes arrested suspects after 3 p.m. on a Friday, so that the detainee would be held until the Monday morning without being presented to a magistrate, asked why the police could not bring arrested persons to the magistrates at their residences. Secondly, the delegation had stated that if the arrested person was not informed of the grounds of his arrest within 15 days, he would be released. A 15-day period was obviously too long, and a violation of article 9, paragraph 2, of the Covenant. Also, assuming that the arrested person was informed of the reasons for his arrest within 15 days, for how long could he be detained after that?

27. Thirdly, the delegation had said that if the court deemed a piece of legislation unconstitutional, it gave the Government time to amend the legislation. What happened if the Government did not do so? Could the court strike down that law as invalid? Furthermore, even if the Government did change the law, what happened to the citizens who had been victims of that legislation before it was amended?

28. Ms. Chanet resumed the Chair.

29. Mr. MALAMBUGI (United Republic of Tanzania) replied that the proposal to bring accused people before magistrates at their homes was a valuable one, but Tanzanian legislation currently had no provision to that effect. If such a proposal were to be made to the authorities, they might consider it.

30. With regard to the observations concerning the 15-day period within which an arrested person had to be informed of the reasons for his arrest or else be released, a distinction had to be drawn between preventive detention and arrests made under the Criminal Procedure Code. The 15-day period applied to preventive detention only. Persons arrested under the Criminal Procedure Code had to be informed of the reasons for their arrest at the time of the arrest.

31. Changing a law which the judiciary found to be unconstitutional was a difficult question. In the past four or five years the courts had taken a very proactive role in striking down numerous pieces of legislation, but that had created what the Government considered a legislative vacuum that it had needed to fill.

32. The CHAIRPERSON invited the Tanzanian delegation to continue with a discussion of the written replies to questions in the list of issues to be taken up in connection with the consideration of the third periodic report of the United Republic of Tanzania (CCPR/C/83/Add.2).

33. Mr. MALAMBUGI (United Republic of Tanzania) said, with regard to elections and political parties, that electoral constituencies were defined by the National Electoral Commission, on the basis of recommendations from the inhabitants of the districts concerned, and that electoral districts should not have fewer than 100,000 inhabitants. The criteria applied in registering political parties were set out in section 9.2 of the Political Parties Act of 1992: political parties should not advocate or further the interests of any religious, tribal, ethnic or racial group, nor should they advocate the breakup of the union, nor accept or advocate the use of violence or force as a means of obtaining their political objectives. Moreover, political parties should not carry out their political activities exclusively in one part of the Republic, and they should allow periodic and democratic election of their leaderships. Prior to receiving full registration, political parties had to be provisionally registered and submit the location of their headquarters, together with the names of their leaderships, which had to be drawn from both parts of the United Republic, and had to include not less than 200 members in 10 regions of the country, including the 2 regions of Zanzibar and Pemba. In order to ensure the maintenance of public order and safety, meetings had to be announced in advance. Initially, it was the district commissioner who gave clearance for political meetings, but, as a result of a decision of the High Court, political parties had only to inform the police prior to holding public rallies, so that the police could make security arrangements.

34. Economic difficulties accounted for the problem of child labour, especially on the large sisal and tea estates and in gemstone mining. The Tanzanian Government did not condone the practice, and had therefore taken part in ILO's international programme for its elimination, which had resulted in a 70 per cent decrease in the incidence of child labour in the country. The United Republic of Tanzania had also ratified ILO Convention No. 138 concerning the minimum age for admission to employment, but children continued to be recruited as domestic servants. That was a considerable problem and it was being addressed through awareness campaigns conducted by civic organizations in the most seriously affected areas of the country . His Government was not of the opinion that the Human Resources Employment Act led

to an institutionalized and systematic compulsion to work; the Act's objective was simply to mobilize the population for productive work in the interests of economic progress. However, in the light of the criticism which that piece of legislation had raised, the Government was reexamining the Act with a view to amending or repealing it.

35. The Tanzanian Government realized that its human rights record was not perfect, and it would continue to strive to improve the situation. It had just produced a white paper which was to be considered over a period of six months by a commission headed by a distinguished Justice of Appeal, from whom it took its name. It was to be hoped that the presentation of the Kisanga Commission's report would open up new prospects for the enjoyment of human rights.

36. Mr. YALDEN said that he had some questions concerning items 16 and 17 of the list of issues, relating to the rights of minorities and the independent monitoring of the human rights situation. He noted that the third periodic report, like the second report, provided no information on articles 26 and 27 of the Covenant. Was there really no discrimination in the United Republic of Tanzania? According to reliable information, it appeared that Asians and the Masai were targets of discrimination. Could the Tanzanian delegation provide some information about the linguistic, ethnic and racial minorities in relation to the issue of discrimination?

37. With regard to gender discrimination, the delegation had emphasized that change took time, especially when it was a question of modifying certain forms of behaviour which should no longer be tolerated in the twentieth century. What were the prospects that the United Republic of Tanzania would adopt anti-discrimination legislation, as had been done in many countries, to secure equality between men and women and to counteract discrimination against minorities, the handicapped and other sectors of civil society?

38. The second subject of concern to him was raised in paragraph 17 of the list of issues: were there monitoring bodies to ensure that human rights violations were dealt with? What jurisdiction did they have? How was their independence ensured, and did they present any reports? A question had also been put to the delegation concerning the action taken against the BAWATA women's organization, which had been "de-registered". According to the report, that organization had played an active role in education and sensitization, and was to undertake a review of legislation and various practices affecting the enjoyment of women's rights. If that organization ceased to exist, there would be even more reason to establish independent human rights monitoring bodies.

39. Mr. SCHEININ, referring to paragraph 138 of the report, noted that a political party called the United Democratic Movement had been refused registration because it had openly advocated the breakup of the Union with Zanzibar, one of the conditions for the registration of a party being its commitment to the preservation of the Union. A discussion of the criteria for the registration of political parties should therefore not only refer to article 25 of the Covenant, but also to article 1, which concerned the right to self-determination (para. 7 of the report). The Constitution stated that Tanzania was single nation and constituted a United Republic, which was indeed

a way of construing that the right of self-determination had already been realized. Yet the Constitution also included a provision for a special amendment procedure whereby the Union could be dissolved; that would require the support of two thirds of parliamentarians from mainland Tanzania and two thirds of parliamentarians from the Tanzanian islands (Zanzibar). It indeed seemed reasonable to require a significant majority to dissolve the union which made up a country. However, the existence of that provision gave rise to the question of why political parties whose objective was to invoke that specific dissolution procedure could not be authorized. Was it a provisional stage in the transition from a one-party to a multi-party system? If not, why did Tanzania consider it necessary to prohibit political parties which advocated the exercise of the right to self-determination under a specific procedure set out in the Constitution?

40. Secondly, under the Constitution, the boundaries of the electoral constituencies were determined by the National Electoral Commission, composed of the Speaker of Parliament and three to five members appointed by the President of the United Republic of Tanzania. As neither the law nor the Constitution set out clear criteria by which to delimit electoral districts, the procedure could give rise to abuse or political jerrymandering. Consequently, was there not a need to provide specific criteria in the Constitution or in the legislation on the electoral system, and to submit decisions applying those criteria to judicial review, so as not to leave the electoral system solely in the hands of the National Electoral Commission?

41. Finally, with regard to the right to privacy (art. 17), the wording in paragraph 102 of the report, referring to homosexuality raised the question of whether there was any legislation in the United Republic of Tanzania forbidding discrimination against homosexuals, and whether homosexual acts were an offence under the Criminal Code.

42. Ms. MEDINA QUIROGA said she deeply regretted that many of the questions on the list of issues had not been answered and the Committee had thus not been fully able to carry out its task. No details had been given in the third periodic report about the implementation of articles 21, 23, 26 and 27 of the Covenant, nor had any information being provided in the replies to the questions asked during the meeting by the Committee members. She wondered why articles 11 and 13 were considered in the same section of the report, since the rights covered by those articles did not necessarily have any points in common. In more practical terms, she was concerned about the juvenile justice system in the United Republic of Tanzania. Paragraph 125 of the third periodic report stated that "juveniles are brought in normal courts" and, according to paragraph 129, children under 12 years of age were not criminally responsible "unless it is proved that at the time of the act ... the child had capacity to know that he ought not to do that act". Were juvenile delinquents at least tried under a different procedure from the one applicable to adults, and was it really the case that a child over 12 years of age could be sentenced to a prison term? Finally, was it true that criminal penalties could be imposed on workers who failed to report for work?

43. Ms. EVATT requested the delegation to provide further information on the reasons why women in the United Republic of Tanzania were apparently heavily under-represented in government bodies and in the judiciary. She also asked

whether measures had been taken to ensure that women could exercise fully their political rights, and in particular the right to vote, considering that polling stations were generally located far from villages and homes, and that women did not always have the time to travel to them because of their family and household responsibilities.

44. The authors of the Warioba report had deplored the fact that bribe-taking was commonplace in the police and among prison staff, and had specifically stated that detainees could not receive attention in prison or be released on bail without paying certain amounts of money. Yet not a single prosecution of those responsible for such practices had been undertaken following the publication of the report. That was surprising, to say the least. Could the delegation offer some explanation?

45. Finally, could the delegation provide further information on the measures taken to overcome the ethnic and religious intolerance persisting in the country, and about the exact role of the "cell leaders", who were apparently still present in the communities? Were they, for example, part of an organized surveillance machinery?

46. Lord COLVILLE, referring to paragraph 17 (a) of the list of issues, asked whether the delegation could provide further information on "bodies which exist to monitor, publicize and promote human rights in Tanzania". He had heard of a Permanent Commission of Enquiry, which had existed since 1966 and operated rather like an ombudsman's office. Had the Commission's role and powers been expanded? Had it taken on the role of a human rights body?

47. Mr. ANDO, referring to paragraph 110 of the report, asked why the Government had considered it necessary to adopt an act authorizing the importation and distribution of foreign newspapers in Tanzania. Was there not freedom of the press, including the foreign press, in Tanzania? He also asked whether the United Republic of Tanzania had any private schools other than those formerly set up by religious missions or groups and, if so, whether the Government regulated the content of the curricula at such establishments.

48. Mr. MALAMBUGI (United Republic of Tanzania) said the Tanzanian Government did not share the opinion that the right to self-determination included the right to secession. In the current political reality, the United Republic of Tanzania included the two territories of Zanzibar and Pemba as a result of a decision which had been taken in 1963, during the establishment of the Organization of African Unity, with the object of respecting the colonial boundaries. It was important to abide by that decision so as to avoid the risk of a return to a society in which each of the country's more than 100 tribes could claim the right to secession. The main priority for a young African country such as the United Republic of Tanzania was the consolidation of national unity.

49. Homosexuality was a criminal offence in the United Republic of Tanzania, and any person found to have engaged in homosexual acts could face criminal charges. That was a sensitive issue, and the population was generally not predisposed to recognizing the rights of homosexuals. As to the question raised by Ms. Medina Quiroga concerning penalties imposed on people who did not report for work, such penalties most often took the form of fines levied

on those who, under district or municipal regulations, were required to undertake communal work, such as the building of roads, and who did not fulfil their obligations. While imprisonment for debt still existed, that penalty was applied only as a last resort when a person failed to meet contractual obligations and, following an inquiry, a judicial decision was taken to that effect. In general, however, the court's decision was enforced by other means than imprisonment.

50. As for the treatment of juvenile offenders, the situation was basically the same as the one described in detail in the second periodic report (CCPR/C/42/Add.12), which was why the third report contained no additional information. However, a special court for minors had recently been established in Dar es Salaam and the Government was constantly striving to improve treatment of juvenile offenders.

51. It appeared that the Committee had been misinformed on the right to vote and, in particular, the exercise by women of their political rights. Polling stations were always located in the vicinity of inhabited areas and every citizen had the opportunity to vote. Furthermore, 15 per cent of all seats in Parliament had been reserved for women, and the Tanzanian Government had been praised for taking that step. Religious intolerance in the United Republic of Tanzania was minimal, such tendencies being attributable to only one small minority group. The country had over 120 tribes, which lived side by side and in harmony, and it hosted refugees and asylum seekers from throughout the African continent. Ethnic intolerance was unknown in the United Republic of Tanzania.

52. The "cell leaders" system had been instituted in the mid-1960s by the party in power, as an administrative mechanism which allowed the Government to convey messages and instructions to the population. Each leader was responsible for approximately 10,000 inhabitants, and ensured liaison with the authorities. A traditional militia system also existed to ensure protection of the population and security in various regions.

53. As his delegation had already indicated, there was a Permanent Commission of Enquiry for which provision was made in the Constitution, its main function being to investigate any abuse of power by the authorities. There had been plans to extend the Commission's mandate by assigning it the task of monitoring human rights, but after some consideration and consultation with experts, it has been deemed preferable to establish an independent human rights commission. Several proposals had been made along those lines.

54. Replying to Mr. Ando, he said that the Government naturally authorized private teaching establishments, which had become even more numerous than the public ones. There were also some private universities. The only regulations imposed by the Government concerned the qualifications of teaching staff, who had to have the required level to provide an education which met the country's requirements. As for freedom of the press, there was an extensive movement of liberalism in the country, and the import and export of publications were regulated more by market forces than by the Government itself. Still, he would request further information on that subject and would forward it to the Committee.

55. Mr. SCHEININ said he had not meant to imply that the right to self-determination necessarily involved the right to secede. He simply wanted to know the reason for prohibiting political parties from invoking section 98 of the Tanzanian Constitution, which set out an amendment procedure by which the union could be dissolved and which would enable the people to exercise their legitimate right to self-determination.

56. Mr. YALDEN said that he had requested information on minorities, such as Asians, in the United Republic of Tanzania, and about discrimination against them. He had not mentioned ethnic intolerance.

57. Mr. MALAMBUGI (United Republic of Tanzania) said that he would transmit Mr. Scheinin's concerns to his country's authorities, as he himself did not have the necessary information.

58. With regard to minorities, censuses covered the population as a whole, without reporting on its ethnic composition. Nonetheless, there were Asian minorities, which had sometimes been subjected to hostility, in particular because they kept many shops and were very active in running the economy. In any event, those responsible for such acts were duly penalized under the law prohibiting racial discrimination. There had been some complaints of discrimination against Masai communities, but they stemmed more from internal conflicts between members of ethnic groups engaged in pastoralism and sedentary agriculture. The Government never discriminated against any of the communities in Tanzania.

59. The CHAIRPERSON thanked the Tanzanian delegation for its replies. The questions raised by the Committee were very specific and often of a technical nature. To supply satisfactory responses, it might have been useful if the Tanzanian delegation had included a representative sent directly from the country by the administration. Many of the Committee's questions had been left unanswered. The Committee also noted with regret that the third periodic report of the United Republic of Tanzania had not been prepared in accordance with its guidelines. As the consideration of the State party report drew to a close, however, several positive developments could be noted, including the establishment of the Nyalali Commission and the institution of multipartism. Although much remained to be done to apply the Nyalali Commission's recommendations, and although the desired changes would take time, it was encouraging that the situation in the United Republic of Tanzania was not static.

60. The Committee nevertheless remained very concerned about numerous subjects, and indeed the Tanzanian delegation had been quite frank with regard to the shortcomings and difficulties encountered in the implementation of the Covenant. A number of laws were not in keeping with the instrument, in particular the law allowing imprisonment for debt. The situation of women also left much to be desired and the Tanzanian authorities did not appear to have any clear idea of how to improve it. One of the measures which could be taken very quickly was to repeal the criminal offence aimed at single, pregnant women. As for corporal punishment, the Tanzanian delegation had contended that the Covenant gave no definition and that the punishment inflicted by law in Tanzania did not fall within the scope of article 7. That was not true, and the Committee referred the Tanzanian Government to its General Comment 20 concerning article 7.

61. Other matters of concern to the Committee included the lack of any independent inquiry into abuses by the police, the Preventive Detention Act, child labour and the prohibition of political parties suspected of having separatist aims.

62. In its concluding observations following the consideration of the third periodic report of the United Republic of Tanzania, the Committee would complement those few remarks and make recommendations to the Tanzanian authorities. It hoped that, for their part, the authorities would provide supplementary written replies to the questions raised by the members and would provide further information on a number of issues, including the establishment of bodies to handle complaints of human rights violations. The possible creation of such bodies had been mentioned in the second periodic report (CCPR/C/42/Add.12), but there was no information about them in the report under consideration.

63. In conclusion, she expressed the wish that the modernization of Tanzanian institutions would continue and that the Committee would be provided with more specific information on the situation in the United Republic of Tanzania when the fourth periodic report was presented.

64. Mr. MALAMBUGA (United Republic of Tanzania) said he would transmit all the Committee's comments and observations to his Government and hoped that the Tanzanian authorities would be able to provide supplementary information in reply to the Committee's questions.

65. The Tanzanian delegation withdrew.

The public part of the meeting rose at 5.20 p.m.